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 9 FIRE INNOVATIONS, LLC

10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO

13 FIRE INNOVATIONS, LLC
 (a California limited liability
 14 company)

CASE NO. 3:09-cv-01703 BZ

15 Plaintiff

16 vs.

17 RIT RESCUE & ESCAPE SYSTEMS, INC.

18 Defendant.
 19 _____/

STIPULATION AND ~~PROPOSED~~ ORDER
 TO EXTEND TIME FOR PLAINTIFF TO FILE
 ITS INVALIDITY CONTENTIONS AND FOR
 THE PARTIES TO FILE AND SERVE PAPERS
 RELATING TO CLAIM CONSTRUCTION AND
 THE CLAIM CONSTRUCTION HEARING

20 The parties, by and through their respective attorneys, hereby stipulate and agree as
 21 follows:

22 (1) Defendant has filed a Covenant Not to Sue, EFC-CAND Doc. No. 54.

23 (2) Defendant has indicated that it will in due course file a Motion to Dismiss relating to
 24 the patent claims presently in the action. The motion is tentatively planned for hearing on June 2,
 25 2010. Plaintiff opposes such an effort. The Court's decision on this matter will have a bearing on
 26 the claims at issue in this case.

27 *Stipulation and [Proposed] Order to Extend Time*
 28 *for Plaintiff to File its Invalidity Contentions*

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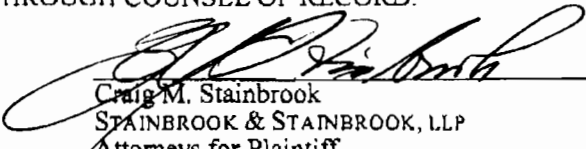
(3) The deadline for Plaintiff to file its invalidity contentions is currently set for April 17, 2010. Deadlines relating to the exchange of proposed terms of construction, to complete claims construction discovery, to file a joint claim construction and pre-hearing statement, and to file briefs for the claim construction hearing follow shortly thereafter.

(4) Plaintiff and Defendant believe it would serve the interests of judicial economy to resolve the question of whether the patent claims will remain in this action before preparing and filing papers relating to patent invalidity and claim prosecution.

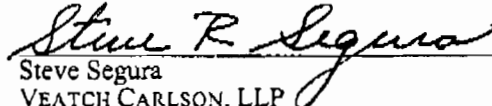
(5) Accordingly, the parties hereby stipulate and agree that Plaintiff shall have until July 2, 2010, to file its invalidity contentions, and that all other dates relating to claim construction and claim construction discovery will be extended and/or continued a period of at least thirty (30) days, the exact dates for which shall be presented to the Court in a proposed modified scheduling order.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated 4/15/2010

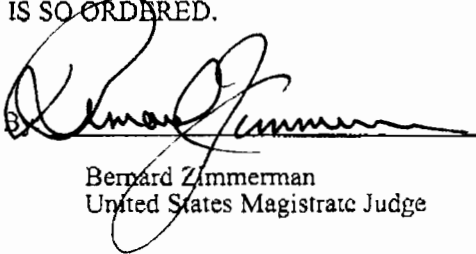

Craig M. Stainbrook
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Attorneys for Plaintiff
FIRE INNOVATIONS, LLC

Dated 4-15-10


Steve Segura
VEATCH CARLSON, LLP
Attorneys for Defendant
RIT RESCUE & ESCAPE SYSTEMS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 16 April 2010


Bernard Zimmerman
United States Magistrate Judge

Stipulation and [Proposed] Order to Extend Time
for Plaintiff to File Its Invalidity Contentions

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